

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1448 – SB 1663**

March 1, 2016

**SUMMARY OF ORIGINAL BILL:** Enhances the offense of unlawful photographing in violation of privacy to a Class D felony.

Removes the distinction between misdemeanor and felony unlawful photographing in violation of privacy under the definition of “sexual offense” for purposes of the sex offender registry.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$6,162,100/Incarceration\*

Decrease Local Expenditures – Exceeds \$18,000/Incarceration\*\*

**SUMMARY OF AMENDMENT (012740):** Deletes Section 1 of the bill, which enhanced unlawful photographing in violation of privacy to a Class D felony, and rewrites the section to add a new subsection to Tenn. Code Ann. § 39-13-605 that authorizes a trial judge to order a person convicted or pleading guilty to misdemeanor unlawful photographing in violation of privacy, to register as a sexual offender.

Deletes and rewrites Section 2 of the bill to add to the definition of “sexual offense” under Tenn. Code Ann. § 40-39-202(20)(a), the unlawful photographing under Tenn. Code Ann. § 39-13-605 if ordered by the judge to register as a sexual offender.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- It is assumed that the bill as amended will not significantly impact the number of persons registered as sexual offenders and that any increase in registrants can be accommodated within the existing resources of the Tennessee Bureau of Investigation (TBI).
- The TBI confirms that the bill as amended will not significantly impact its operation of the sexual offender registry.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm